

**Amendments to the Drawings:**

Attached are replacement sheets for FIGS. 1-19D of the drawings. An explanation of the changes to these drawings is set forth in the remarks section below. No new matter has been added by way of these amendments.

**REMARKS**

Applicant has amended the specification and FIGS. 5-15 to add in a reference numeral 27 for the stored static electrical charge, the title, and claims 1-3, 6, 8-11, 14-16, 19, 21-24, 27, 28, and 31 as set forth above, has added new claims 34-58 and has canceled claims 4, 5, 7, 17, 18, and 20. Applicant note with appreciation the Office's indication that claims 7-9 and 20-22 would be allowable if a terminal disclaimer was filed and claims 6 and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the accompanying, "Terminal Disclaimer To Obviate A Double Patenting Rejection Over a Prior Patent" and above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has objected to the drawings under 37 CFR 1.83(a) asserting the additional stored static charge must be shown or the features canceled from the claims. Accordingly, Applicant has amended the drawings to add the reference numeral 27 to identify the stored static charge and has made corresponding amendments to add the reference numeral 27 into the specification. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the objection to the drawings.

The Office has objected to the specification as failing to provide proper antecedent basis for the member with an additional stored static charge. Accordingly, Applicant has amended the claims to cancel "additional" before stored static charge and as discussed above has added reference numeral 27 to the specification and drawings to identify the stored static charge. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the objection to the specification.

The Office has objected to the title of the invention as not being descriptive and has asserted that a new title is required that is clearly indicative of the invention to which the claims are directed. Accordingly Applicant has amended the title to, "A MOTION BASED, ELECTROSTATIC POWER SOURCE AND METHODS THEREOF." In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the objection to the title.

The Office has objected to claims 1-33 asserting they are vague and indefinite because they recite an additional stored static charge when a first stored static charge has not

been claimed. Accordingly, Applicant has cancelled the word "additional" before "stored static charge" in the claims as set forth above. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the objection to claims 1-33.

The Office has rejected claims 1, 2, 4, 5, 10, 12, 14, 15, 17, 18, 23, 25, 27, 28, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,405,334 to Jewett et al. (Jewett) in view of US Patent No. 4,288,735 to Crites (Crites), claims 3, 16, and 29 over Jewett and Crites and further in view of the Official Notice taken by the Office that the additional stored static charge is at least  $1 \times 10^{10}$  charges/cm<sup>2</sup>, claims 11, 13, 24, 26, and 32 under 35 U.S.C. 103(a) as being unpatentable over Jewett in view of Crites and further in view of US Patent No. 3,786,495 to Spence (Spence), and claim 30 under 35 U.S.C. 103(a) as being unpatentable over Jewett in view of Crites in further view of US 4126822 to Wahlstrom (Wahlstrom). Additionally, the Office has rejected claims 7-9 and 20-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 and 11 of U.S. Patent No. 6,750,590.

Accordingly, Applicant has amended claim 1 to substantially incorporate claim 7 and claims 14 and 27 to each substantially incorporate the subject matter of claim 20 and has submitted herewith a, "Terminal Disclaimer To Obviate A Double Patenting Rejection Over a Prior Patent." In view of these amendments, the Terminal Disclaimer and the foregoing remarks, the Office is respectfully requested to reconsider and withdraw the rejections of claims 1-33 set forth above.

The Office has objected to claims 6 and 19 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten dependent claims 6 and 19 in independent form without all of the limitations of the base claim and any intervening claims which Applicant believes made the language of the claims inconsistent. None of the cited references, alone or in combination, are believed to disclose or suggest, "wherein the member is connected to a movable base, at least one first resilient device is connected between movable base and one of the two or more electrodes, and at least one second resilient device connected between the member the other one of the two or more electrodes" as recited in claim 6 or "wherein the member is connected to a movable base, at least one first resilient device is connected between movable base and one of two or more of electrodes, and

at least one second resilient device connected between the member the other one of two or more of electrodes" as recited in claim 19. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the objection to claims 6 and 19.

Applicant has added new claims 34-58 which are believed to be distinguishable over the cited references. Accordingly, a notice to this effect is respectfully requested.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: Nov. 21, 2005

Gunnar Leinberg  
Gunnar G. Leinberg  
Registration No. 35,584

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1014  
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) \_\_\_\_\_.

11/21/2005

Date

Sherri A. Moscato

Signature

Sherri A. Moscato  
Type or Print Name